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**REMARKS**

This response is intended as a full and complete response to the final Office Action mailed August 10, 2005, and is a supplement to the response filed on October 11, 2005, which has been entered by the Examiner. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected, and claims 15 and 17 are objected to. By this response, claims 1, 10 and 20 are amended.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

**Amendments to the Claims**

By this response, claims 1, 10 and 20 are amended. The amendments to the claims are fully supported by the Specification, Drawings and Claims as originally filed. For example, the amendments to the claims are supported at least by page 21, line 20, to page 24, line 14 of the Specification; and by Figure 6 of the Drawings.

Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

**Rejection under 35 U.S.C. §102 of Claims 1-3, 7-17 and 20**

The Examiner has rejected claims 1-3, 7-17 and 20 under 35 U.S.C. §102(e) as being anticipated by Blumenau (U.S. Patent 6,108,637, hereinafter "Blumenau"). Applicants respectfully traverse the rejection.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. The Blumenau reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

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In particular, the Blumenau reference fails to teach or suggest at least "receiving, at a control unit, a directive to monitor a particular channel and a particular terminal, the particular channel being of a plurality of channels transmitted from a head-end of the provider equipment to the subscriber equipment through a distribution node of the television distribution system, the particular terminal being of said provider equipment, wherein the directive is received at the control unit through a communications means not including the distribution node of the television distribution system;" as recited in claim 1.

The Blumenau reference discloses "monitoring of the display at a content display site of content that is provided by a content provider site over a network to the content display site" (abstract). However, the Blumenau reference does not teach or suggest receiving a directive to monitor a channel, the channel being transmitted from a headend through a distribution node of a television distribution system. The Blumenau reference discloses (emphasis added below):

"Aspects of the invention related to transfer of content over a network are generally applicable to any type of network. However, it is contemplated that the invention can be particularly useful with a computer network, including private computer networks (e.g., America Online.TM.) and public computer networks (e.g., the Internet). In particular, the invention can be advantageously used with computer networks or portions of computer networks over which video and/or audio content are transferred from one network site to another network site for observation, such as the World Wide Web portion of the Internet. Additionally, the invention is particularly useful in monitoring the display of content obtained over such a network using an interactive browser to acquire and view the content in real time." (column 6, line 57, to column 7, line 3)

Thus, the Blumenau reference discloses that aspects of the Blumenau reference are applicable to any type of network, but in particular to computer networks and public computer networks. However, the Blumenau reference does not teach or suggest a television distribution system, a head-end, and a channel transmitted through a node of the television distribution system.

Therefore, the Blumenau reference fails to teach each and every element of Applicants' claimed invention, as arranged in the claim.

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As such, Applicants submit that independent claims 1, 10 and 20 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-3, 7-9, and 11-17 depend, either directly or indirectly, from independent claims 1 and 10 and recite additional limitations thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 4-6, 18 and 19**

The Examiner has rejected claims 4-6, 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over Blumenau in view of Sitnik (US-2002/0010935A1, hereinafter "Sitnik"). Applicants respectfully traverse the rejection.

Claims 4-6, 18 and 19 depend directly or indirectly from independent claims 1 and 10. Moreover, for at least the reasons discussed above, the Blumenau reference fails to teach or suggest Applicants' invention as recited in claim 1. Accordingly, any attempted combination of the Blumenau reference with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 4-6, 18 and 19 are not obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **Claim Objections**

The Examiner has objected to claims 15 and 17 because "[B]oth claims cite the limitation 'the control system,' which does not have proper antecedent basis in the parent claim."

In the response filed on October 11, 2005, which has been entered by the Examiner, Applicants have amended claims 15 and 17 to recite "the control unit," as suggested by the Examiner.

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Therefore, Applicants respectfully request that the Examiner's objection be withdrawn.

### **Official Notices**

The Office Action takes Official Notice. Applicant hereby traverses each Official Notice. The Examiner alleges that certain apparatuses and/or methods are well known in the art. However, the Applicant respectfully disagrees. These apparatuses and/or methods may not be well known within the specific art of the present invention and as specifically recited in their respective claims. Furthermore, it may not be well known to combine the allegedly well known apparatuses and/or methods with other apparatuses and/or methods recited in the respective claims or in other claims from which the respective claims may depend.

In particular, the Examiner alleges "that it is notoriously well known in the art to transmit and store images (or frames) in bitmat format" (page 11 of the 8/10/05 Office Action). However, the Applicant respectfully disagrees that it is well known to report captured contents using a bitmat format within the context of monitoring the operation of a television distribution system. Instead, the Applicants respectfully submit that reporting captured contents using a bitmat form within the context of monitoring the operation of a television distribution system may be patentably distinct from any prior art.

### **CONCLUSION**

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.


If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi, at (732) 383-1405, or Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,

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Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicants

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808

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